

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
THURSDAY, DECEMBER 7 2017
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET
CONFERENCE CENTER, ROOM A
INDIANAPOLIS, IN 46204**

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Thomas Sproles, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

BOARD MEMBERS PRESENT:

Thomas Sproles, Chairman
Christopher Cooke, Vice Chairman
Donald Alford
Frank Downing
Theodore Mau
Roland Cutter
Brian Carnes, State Department of Health

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Jennifer Broadbent, Assistant Board Director
Zaneta Nunnally, Compliance Director
Donald Hannah, Deputy Attorney General

ADOPTION OF THE AGENDA

The agenda was adopted.

Mau/Alford
7/0/0

Voting in Favor: Thomas Sproles, Christopher Cooke, Donald Alford, Frank Downing, Theodore Mau, Roland Cutter, and Brian Carnes.

Motion carried.

ADOPTION OF THE MINUTES OF THE OCTOBER 23, 2017, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes of the October 23, 2017 meeting as amended.

Cooke/Cutter
7/0/0

Voting in Favor: Thomas Sproles, Christopher Cooke, Donald Alford, Frank Downing, Theodore Mau, Roland Cutter, and Brian Carnes.

Motion carried.

ADMINISTRATIVE HEARING

1. Administrative Hearing in the matter of Thomas A. Oswalt, FD21000044, 2016 SBFCS 0025

A motion was made and seconded to withdraw suspension and place the license on indefinite probation with no right to petition for removal for a period of one year upon his filing an application for reinstatement and further discuss possible sanctions.

Cutter/Alford
3/2/0

Voting in Favor: Donald Alford, Roland Cutter, and Brian Carnes. Voting against: Frank Downing and Thomas Sproles.

Motion carried.

A motion was made and seconded to add a probationary requirement to restrict his practice to not allow him to meet with families for funeral arrangement conferences, receive money from a consumer, and signing death certificates. Disclosure of probationary terms must be made to any employer. He may conduct funeral services and visitations and embalm.

Downing/Cutter

5/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, Roland Cutter, and Brian Carnes.
Motion carried.

2. Administrative Hearing in the matter of Chad Campbell, FD29600122, 2017 SBFCS 0011

A motion was made and seconded to issue a Default Order.

Downing/Cutter

5/0/0

Voting in Favor: Thomas Sproles, Donald Alford, Frank Downing, Roland Cutter, and Brian Carnes.
Motion carried.

A motion was made and seconded that he violated two counts.

Alford/Downing

5/0/0

Voting in Favor: Thomas Sproles, Donald Alford, Frank Downing, Roland Cutter, and Brian Carnes.
Motion carried.

A motion was made and seconded to suspend his license indefinitely with no right to petition for reinstatement for a period of one year, impose a fine of \$500 per violation payable within 6 months, require the IFDA Crash Review course to be completed within six months, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and impose the cost of the proceedings. The IFDA Crash Review course is in addition to his regular continuing education requirement.

Cutter/Carnes

5/0/0

Voting in Favor: Thomas Sproles, Donald Alford, Frank Downing, Roland Cutter, and Brian Carnes.
Motion carried.

3. Administrative Show Cause Hearing in the matter of Dennis McClure, FD01029653, 2016 SBFCS 0015 & 2017 SBFCS 0021

A motion was made and seconded to consolidate the two matters.

Alford/Cutter

5/0/0

Voting in Favor: Thomas Sproles, Donald Alford, Frank Downing, Roland Cutter, and Brian Carnes.
Motion carried.

A motion was made and seconded to revoke the license. Circumstances include that Brian Carnes attempted to call Respondent to discuss his filing of death certificates while suspended at which time Respondent said the state was trying to take his license then hung up on him, and the fact that Respondent has appeared to be incompetent by only comprehending the order of suspension and his leaving the meeting in past hearing before the hearing was complete.

Cutter/Carnes

4/1/0

Voting in Favor: Thomas Sproles, Frank Downing, Roland Cutter, and Brian Carnes.
Voting against: Donald Alford
Motion carried.

PROPOSED SETTLEMENT FOR ZALO WILSON & HIS FUNERAL HOMES

A motion was made and seconded to accept the agreement.

Downing/Cutter

5/0/0

Voting in Favor: Thomas Sproles, Donald Alford, Frank Downing, Roland Cutter, and Brian Carnes.

Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report provided.

VERIFIED COMPLAINT REQUESTING CEMETERY MAINTENANCE ASSISTANCE

1. Jean Buckley

Re: Crown Hill Cemetery, Hobart

A motion was made and seconded to table the matter for further investigation.

Cooke/Mau

4/0/0

Voting in Favor: Theodore Mau, Christopher Cooke, Brian Carnes, and Roland Cutter.

Motion carried.

2. Rosalind Coleman and Esther Walker

Re: New Crown Cemetery, CM41300002

A motion was made and seconded to send a copy of the complaint to New Crown Cemetery and ask for response to the allegations and whether or not they have a perpetual care fund.

Mau/Cooke

4/0/0

Voting in Favor: Theodore Mau, Christopher Cooke, Brian Carnes, and Roland Cutter.

Motion carried.

PERSONAL APPEARANCE IN COMPLIANCE WITH FINAL ORDER IN THE MATTER OF INDIANA MEMORIAL AND CREMATION SERVICES, FH10600037, 2017SBFCS0001

The owner appeared and reported the funeral home is in compliance with the Board's Final Order.

CORRESPONDENCE FROM WINKLEPLECK & BROCK FUNERAL HOME REGARDING THE PURCHASE OF WINKLEPLECK WEESNER FUNERAL HOME

The matter was tabled due to lack of a quorum.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Jayne Forley Croghan for James Herschel Forley

Re: Winklepleck-Weesner Funeral Home, FH83000655 (Closed)

The matter was tabled due to lack of a quorum.

B. Bryan Peterson for Patricia Oswald

Re: Kraft Funeral Home, FH10000005 (Revoked)

The matter was tabled due to lack of a quorum.

CONSIDERATION OF CONTINUING EDUCATION AUDIT FILES

1. Wanda Lee, FD29700028

The matter was tabled due to lack of a quorum.

2. John Sullivan, FD21300056

The matter was tabled due to lack of a quorum.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

The matter was tabled due to lack of a quorum.

ADJOURNMENT

The meeting was adjourned at 1:51 p.m. due to lack of a quorum.